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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,247	02/11/2004	Daniel Willis	16113-681001	1098
26192 7590 03/31/2008 FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER				
LASTRA, DANIEL				
ART UNIT		PAPER NUMBER		
3688				
MAIL DATE		DELIVERY MODE		
03/31/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/775,247

Applicant(s)

WILLIS, DANIEL

Examiner

DANIEL LASTRA

Art Unit

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-31 have been examined. Application 10/775,247 (ADVERTISING ON VIDEO EVENT DISPLAY SYSTEMS) has a filing date 02/11/2004 is a continuation in part of 10232603, filed 09/03/2002.

Claim Objections

2. Claim 8 is objected to because of the following informalities: Said claim recites "providingg". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Lowther (US 2002/0095675).

Claims 1, 13, 25 and 31, Lowther teaches:

A method of advertising for use by a Service Provider providing a video event display system connected with a wide area network, the method comprising the steps of:

providing an identification from the video event display system to the Service Provider (see paragraphs 37-38);

providing an advertisement from a plurality of advertisements to the video event display system (see paragraph 37);

initializing the video event display system for displaying a video event and for displaying the advertisement (see paragraph 6);

displaying a video event on the video event display system (see paragraph 6);
and

displaying the advertisement on the video event display system, when the video event is not being displayed (see paragraph 28).

Claims 2 and 14, Lowther teaches:

wherein the step of providing an identification includes providing a customer personal profile, the customer personal profile for use in determining restrictions on video events provided to the video event display system, and wherein the step of providing is performed in dependence upon the provided customer personal profile (see paragraph 37).

Claims 3 and 15, Lowther teaches:

wherein the customer personal profile is determined from data collected by the customer's Service Provider (see paragraph 38).

Claims 4, 16 and 29, Lowther teaches:

wherein a frequency of displaying the advertisement on the video event display system is determined according to a fee charged to the customer for connecting to the Service Provider (see paragraph 17).

Claims 5 and 17, Lowther teaches:

wherein the step of providing an advertisement out of a plurality of advertisements to the video event display system includes a step of providing the advertisement out of a plurality of advertisements to a temporary buffer, and storing said advertisement in said temporary buffer (see paragraph 19).

Claims 6 and 18, Lowther teaches:

wherein in the step of displaying an advertisement on the video event display system the advertisement stored in the temporary buffer is displayed on the video event display system whenever the video event display system is initialized but idle (see paragraph 28).

Claims 7 and 19, Lowther teaches:

wherein in the step of displaying an advertisement on the video event display system the advertisement stored in the temporary buffer is displayed on the video event display system whenever the video event displayed on the video event display system is interrupted (see paragraph 28).

Claims 8 and 20, Lowther teaches:

further comprising the step of:

refreshing the advertisement stored in the temporary buffer by providing and storing another advertisement out of the plurality of advertisements in the temporary buffer (see paragraph 20).

Claims 9 and 21, Lowther teaches:

wherein refreshing the temporary buffer is done periodically with a predetermined time interval (see paragraph 21).

Claims 10 and 22, Lowther teaches:

wherein memory resources of the video event display system serve as the temporary buffer (see paragraph 19 “cache”).

Claims 11 and 23, Lowther teaches:

wherein memory resources of a connection device establishing a connection between the video event display system and the Service Provider serve as the temporary buffer (see paragraph 19).

Claims 12, 24 and 30, Lowther teaches:

wherein the video event display system comprises either one of set-top box, a gaming console, or a set-top box gaming system (see paragraph 40).

Claim 26, Lowther teaches:

wherein the video event display system comprises a set-top box (see paragraph 40).

Claim 27, Lowther teaches:

wherein the video event display system comprises a set-top box emulating a gaming console (see paragraph 40).

Claim 28, Lowther teaches:

wherein the video event display system comprises a gaming console (see paragraph 6).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Reilly (US 5,740,549) teaches a console that displays advertisements at a idleness criteria (see abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/
Art Unit 3688
March 26, 2008